

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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Lavelle D. Evans,

Plaintiff,

- against -

The First 48 (Television Show); Marcia Xintaris  
(Executive in charge of Production); Granada  
America Entertainment and Kirkstall Road  
Enterprises, Inc.; and A&E Television Station,

Defendants.  
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No. 09 Civ. 7373 (LTS) (AP)

**NOTICE OF MOTION TO  
DISMISS**

***ORAL ARGUMENT REQUESTED***

**PLEASE TAKE NOTICE** that upon the annexed affidavit of Linda Steinman, sworn to on December 1, 2009, and the exhibits annexed thereto, the accompanying Memorandum of Law and all other pleadings and proceedings, defendants ITV Studios, Inc. (formerly Granada Americas) (incorrectly sued herein as Granada America Entertainment and The First 48), Kirkstall Road Enterprises, Inc., Marcia Xintaris, (collectively "ITV") and A&E Television Networks, LLC ("A&E") (incorrectly sued herein as A&E Television Station) (collectively, "Defendants"), will move before the Honorable Laura Taylor Swain, United States District Judge, Southern District of New York, on a date and time to be set by the Court, for an order dismissing plaintiff's claims for failure to state a claim for relief pursuant to Fed. R. Civ. P. 12(b)(6), or in the alternative for summary judgment under Fed. R. Civ. P. 56.


**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, plaintiff's answering papers, if any, shall be filed and served no later than fourteen (14) days after service of this Motion.

Pursuant to Rule 2(B) of the Court's Individual Practices, Defendants certify that they have made their best efforts to reach plaintiff. To that end, on November 19, 2009 Defendants sent a letter to plaintiff outlining their position and offering to discuss the intended motion by telephone; and, as Defendants were unable to determine how to initiate a telephone call to plaintiff at the federal correctional institution at Three Rivers, requesting that plaintiff notify defendants how best to arrange such a call. As of the date of this Notice, Defendants have not heard from plaintiff in response.

Dated: New York, New York  
December 2, 2009

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By:   
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*Attorneys for Defendants*

TO: Pro Se Lavelle Evans (REG # 12039-078)  
Jim Wells B  
Federal Correctional Institution  
P.O. BOX 4200  
Three Rivers, TX 78071

**CERTIFICATE OF SERVICE**

I, Elisa Miller, hereby certify that on December 2, 2009, a true and correct copy of the foregoing Notice of Motion and the accompanying Memorandum of Law and Affidavit of Linda Steinman with annexed exhibits were served by regular mail upon:

*Pro Se* Lavelle Evans (Reg. # 12039-078)  
Jim Wells B  
Federal Correctional Institution  
P.O. Box 4200  
Three Rivers, TX 78071

/s/ Elisa L. Miller

Elisa L. Miller